

60,427-359

**REMARKS**

Claims 19-33 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner states that the claims make reference to "a thermal mastic elastomeric material," "a non-foamed base," and a "thermal mastic blend base material." The Examiner further states that the specification provides no description of what these materials actually comprise. The words "thermal," "mastic," and "elastomeric" are known words with known meanings, and one skilled in the art would know the meaning of a thermal mastic elastomeric material.

The word "thermal" means "being or involving a state of matter dependent upon temperature." The word "mastic" means "any of various pasty materials used as protecting coatings or cements." The word "elastomeric" means "any of various elastic substances resembling rubber." Dictionary definitions of these three words are included. The words thermal, mastic, and elastomeric are known words, and one having ordinary skill in the art would know the meaning of "a thermal mastic elastomeric material." These three words have known meanings and one skilled in the art would be enabled to make and/or use the invention. Additionally, one skilled in the art would know the meaning of the term "non-foamed base," and therefore one skilled in the art would be enabled to make and/or use the invention. The term "thermal mastic blend material base" has been deleted from the claims

Claims 27-33 stand rejected under 35 USC §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter of the invention. Claims 27 and 31 have been amended to create an antecedent basis for "said neck" and "said shell."

Claims 19-23 stand rejected under 35 USC §103(a) as being obvious in view of Applicant's Admitted Prior Art (AAPA) in view of Balederrama (United States Patent No. 5,108,524). Claims 19-23 have been cancelled.

Claims 24, 25 and 27-30 stand rejected under 35 USC §103(a) as being obvious over AAPA in view of Balderrma and further in view of Shimada (United States Patent Number 6,241,936). Claims 24, 25 and 30 have been cancelled.

The Examiner states that the AAPA discloses a "peel and stick" foam gasket material that is applied to an air induction assembly. Balederrama discloses a method for applying a hot melt

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material 24. The hot melt material 24 is applied to a portion of a dispenser and allowed to cool. Shimada discloses a method of forming a gasket for automotive lamps. A nozzle 34 injects material into a groove 32 of a jig 30. After the material is allowed to sit, a seal leg 16 is pressed against the material. The material then solidifies to form a gasket 20. The gasket 20 is removed from the jig 30 with the gasket 20 attached to the seal leg 16. The Examiner contends it would be obvious to use a mold in the formation of the hot melt-gasket of the AAPA and Balderrama to more accurately provide a desired shape.

Shimada discloses injecting material into a mold, inserting an object (the seal leg 16) into the mold, and then removing the gasket 20 from the mold when the gasket 20 hardens. There is no benefit or reason to employ the method of Shimada in the combination of AAPA and Balderrama. The method of Shimada forms the gasket around 20 an object. In the "peel and stick" method, the gasket is formed and then later attached to the object. If the gasket was formed around an object as suggested by Shimada, there is no reason to employ the "peel and stick" method as a peel and stick attachment is not necessary. Applicant's claims are not obvious in view of the combination of AARP, Balderrama and Shimada.

Claims 26 and 31-33 stand rejected under 35 USC §103(a) as being obvious over AAPA in view of Balderrma and further in view of either Wilbur (United States Patent Number 339,036), Schwarz (United States Patent Number 3,606,401 or Young (United States Patent Number 2,686,091). Claim 26 has been cancelled.

Wilbur, Schwarz and Young (the secondary references) disclose an aperture that allows passage of a material into a chamber. The Examiner asserts that it would be obvious to one having ordinary skill in the art to form a gasket by injecting liquid elastomeric material through an aperture into a chamber as suggested by Wilbur, Schwarz and Young.

The Examiner states that the AAPA discloses a "peel and stick" foam gasket material that is applied to an air induction assembly. The secondary references disclose providing an aperture. Again, there is no benefit or reason to employ the methods of the secondary references in the combination of AAPA and Balderrama. In the methods of the secondary references, an aperture is provided. The Examiner states that this can be employed to inject a liquid material to provide a gasket. In the "peel and stick" method, the gasket is formed and then later attached to the object.

If the gasket was formed by injection as suggested by the secondary references, there would be

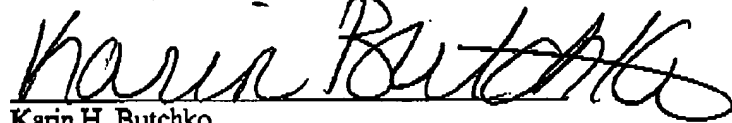
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no reason to employ gasket in the "peel and stick" method because the gasket would be injected in the liquid form through the aperture. Therefore, there is no need to employ a "peel and stick" gasket that would need to be applied later. Applicant's claims are not obvious in view of the combination of AARP, Balderrama and the secondary references.

Thus, claims 19-24 and 26-36 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

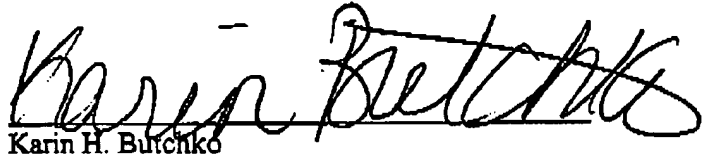
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Dated: June 23, 2003

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Karin H. Butchko

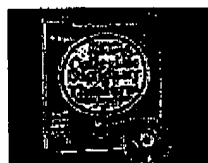
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2 entries found for **mastic**.  
To select an entry, click on it.

mastic  
mastic tree



Main Entry: **mas·tic**

Pronunciation: 'mas-tik

Function: *noun*

Etymology: Middle English *mastik*, from Latin *mastiche*, from  
Greek *mastichē*, probably back-formation from *mastichān*

Date: 14th century

1 : an aromatic resinous exudate from mastic trees used chiefly in  
varnishes

2 : any of various pasty materials used as protective coatings or  
cements

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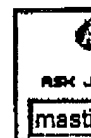
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thermal[2,noun]  
British thermal unit  
thermal pollution  
thermal printer



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Main Entry: **ther-mal**   
Pronunciation: 'th&r-m&l  
Function: *adjective*  
Etymology: Greek *thermE*  
Date: 1756

1 [Latin *thermae* public baths, from Greek *thermai*, plural of *thermE*] : of, relating to, or marked by the presence of hot springs  
<*thermal waters*>

2 a : of, relating to, or caused by heat <*thermal stress*> <*thermal insulation*> b : being or involving a state of matter dependent upon temperature <*thermal conductivity*> <*thermal agitation* of molecular structure>

3 : designed (as with insulating air spaces) to prevent the dissipation of body heat <*thermal underwear*>

4 : having energies of the order of those due to thermal agitation  
<*thermal neutrons*>

- **ther-mal-ly** /-m&-lE/ *adverb*

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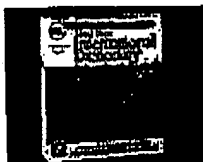
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One entry found for elastomer.

Main Entry: **elas-to-mer**

Pronunciation: -t&-m&r

Function: *noun*

Etymology: *elastic* + -o- + -mer

Date: circa 1939

: any of various elastic substances resembling rubber <polyvinyl elastomers>

-elas-to-mer-ic /i-'las-t&-mer-ik/ *adjective*

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### Pronunciation Symbols

Click on the example word to hear it pronounced.

\&\ as a and u in about

\&\ as e in kitten

\&\ as ur/er in further

\e\ as e in bet

\E\ as ea in easy

\g\ as g in go

\o\ as aw in law

\oi\ as oy in boy

\th\ as th in thin